

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

Conference Room  
9th Floor, Kamamalu Building  
250 South King Street  
Honolulu, Hawaii

July 27, 1989

approved  
8/1/89

COMMISSIONERS PRESENT: Lawrence Chun, Vice-Chairman  
Sharon R. Himeno (Portion of Proceeding)  
Frederick P. Whittemore  
Elton Wada  
Allen Y. Kajioka (Portion of  
Proceeding)  
Allen K. Hoe (Portion of Proceeding)  
Eusebio Lapenia, Jr.  
James M. Shinno

COMMISSIONERS ABSENT: Renton L.K. Nip, Chairman

STAFF PRESENT: Esther Ueda, Executive Officer  
Russell Suzuki, Esq, Deputy Attorney  
General  
Raymond Young, Staff Planner  
Darlene Kinoshita, Chief Clerk  
  
Holly Hackett, Court Reporter

Vice-Chairman Chun called the meeting to order.  
Vice-Chairman Chun also welcomed the new commissioners,  
Mr. Lapenia - Hilo, Mr. Wada - Maui, and Mr. Shinno - Kauai to  
the Commission.

ACTION

A89-644 / DOUGLASS BONAR AND BOYCE R. BROWN III TRUST Kauai)

Vice-Chairman Chun announced that the Commission would  
take action in the matter of the petition by Douglass Bonar and  
Boyce R. Brown III Trust to determine whether the anticipated  
effects discussed in the petition's Environmental Assessment to  
reclassify approximately 8.79 acres of land currently in the  
Conservation District into the Agricultural District at Waioli,  
Kauai for residential, agricultural uses, and landscaping  
constitute a "significant effect" pursuant to Chapter 343,  
H.R.S.

Appearances

Doug Meller, Consultant for Petitioner

Ann Ogata-Deal, Esq., Deputy Attorney General, Office  
of State Planning

Abe Mitsuda, Land Use Division, Office of State  
Planning

The County of Kauai was not present to the proceeding.

Raymond Young, Staff Planner, oriented the Commission  
to the area being requested for reclassification on the Land  
Use District Boundaries and tax maps.

Arguments were heard from Mr. Doug Meller. After  
hearing his arguments, questions were asked by the  
Commissioners.

The Office of State Planning called Mr. Abe Mitsuda to  
testify on the environmental assessment.

STATE'S WITNESS

1. Abe Mitsuda

Commissioner Kajioka moved that an EIS is not required  
and to accept the environmental assessment as a negative  
declaration. The motion was seconded by Commissioner Hoe.

Commissioner Lapenia moved for an executive session to  
consult with our deputy attorney general on legal matters. The  
motion was seconded by Commissioner Shinno. The motion was  
unanimously carried by voice votes.

The motion to accept the environmental assessment was  
carried as follows:

Ayes: Commissioner Kajioka, Whittemore, Hoe, Lapenia,  
Shinno, Wada, and Himeno.

Nays: Vice-Chairman Chun

SP83-358/C. EARL STONER, JR. ON BEHALF OF S & F LAND COMPANY  
(Maui)

Vice-Chairman Chun announced that the Commission would be considering the time extension request by Petitioner to continue to operate a baseyard, asphalt batching plant, and related uses at Puunene, Maui.

Appearances

C. Earl Stoner, Petitioner

Philip Ota, Planner, Planning Department, County of Maui

Raymond Young, Staff Planner, oriented the Commission to the area of the special use permit on the Land Use District Boundaries and tax maps and gave a summary report on the request by Petitioner for a time extension to continue to operate a baseyard, asphalt batching plant, and related uses.

Commissioner Himeno declared a conflict of interest and was excused from the proceeding.

Arguments were heard from Mr. Stoner and Philip Ota. After hearing arguments, questions were asked by the Commissioners.

Commissioner Wada moved that Petitioner's time extension request to continue to operate an asphalt batching plant, baseyard, and related uses subject to the conditions by the County of Maui Planning Commission be granted. The motion was seconded by Commissioner Lapenia and unanimously carried by the following votes:

Ayes: Commissioner Wada, Hoe, Kajioka, Lapenia, Shinno, Whittemore, and Vice-Chairman Chun.

CONTINUED HEARING

A88-628 / THE LUSK COMPANY (Kapolei Knolls)

The present matter before the Commission is a continuation of the hearing which had begun on February 7 and 8, 1989.

Appearances

Lincoln Ishida, Esq., Attorney for Petitioner

Brian Yahata, for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

EXHIBITS

1. The Department of the Navy's letter dated July 26, 1989 was admitted into evidence by the Land Use Commission.

2. Petitioner's Exhibit B-1 (Updated Financial Statement) and Exhibit R (Letter agreement dated July 26, 1989 between the Office of State Planning and Petitioner) were admitted into evidence by the Land Use Commission.

PETITIONER'S WITNESSES

1. Brian Yahata
2. Donald Stephensen

COUNTY'S WITNESS

1. Betsy Marcinkus

STATE'S WITNESS

1. Abe Mitsuda

Vice-Chairman Chun instructed all parties of the post-hearing procedures and declared the hearing closed. The proposed findings from the parties are due on August 28, 1989 and the parties have fourteen days from the date of service in which to respond.

A lunch recess was taken at 11:15 a.m. to reconvene at 1:00 p.m.

- 1:26 p.m. -

Commissioners Hoe and Kajioka were absent from the proceeding at this time.

A89-635 / HENRY H. SHIGEKANE REVOCABLE TRUST, JOANNE H. SHIGEKANE REVOCABLE TRUST, ROBERT MIDKIFF, AND ELIZABETH M. MORRIS (Oahu)

Pursuant to a notice published in the Honolulu Star Bulletin on June 14, 1989 and notices sent to all parties, a hearing was conducted by the Land Use Commission in the matter of the petition by Henry H. Shigekane Revocable Trust, et al to reclassify approximately 9.917 acres of land currently in the Conservation District into the Urban District at Nuuanu, Oahu, Hawaii for residential use.

Appearances

James T. Funaki, Esq., Attorney for Petitioner

Betsy Marcinkus, Department of General Planning, City and County of Honolulu

Ann Ogata-Deal, Esq., Deputy Attorney General, Office of State Planning

Abe Mitsuda, Land Use Division, Office of State Planning

Karen Yamamoto, Land Use Division, Office of State Planning

Raymond Young, Staff Planner, oriented the Commission to the area being requested for reclassification on the Land Use District Boundaries and tax maps.

EXHIBITS

1. Petitioner's Exhibit Nos. 1 through 9 were admitted into evidence by the Land Use Commission.
2. County's Exhibit No. 1 was admitted into evidence by the Land Use Commission.
3. State's Exhibit No. 1 was admitted into evidence by the Land Use Commission.
4. Letter dated June 29, 1989 from Sylvia Young and letter dated July 4, 1989 from Elizabeth Ann Stone were admitted into evidence by the Land Use Commission.

Commissioner Himeno disclosed that she did work for American Trust Company owned by Mr. Robert Midkiff about a couple of years of ago, but does not feel it is a conflict. There were no objections by the parties to allow Commissioner Himeno to participate in this hearing.

PETITIONER'S WITNESSES

1. Joseph Vierra

The Land Use Commission allowed untimely public witnesses to testify.

PUBLIC WITNESS

1. Rhaj Puri

STATE'S WITNESS (Called out of order)

1. Roger Evans

Commissioner Himeno was absent from the proceeding at this time.

The Office of State Planning to submit copies of the letter dated April 4, 1989 from the Department of Land and Natural Resources as State's Exhibit No. 2. which was admitted into evidence by the Land Use Commission.

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PETITIONER'S WITNESSES (Continued)

2. Hallett Hammatt

The meeting was adjourned at 4:24 p.m.